



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,934	10/29/2001	Eduard K. de Jong	P-7007	1043
24209 7590 06/04/2007 GUNNISON MCKAY & HODGSON, LLP 1900 GARDEN ROAD SUITE 220 MONTEREY, CA 93940			EXAMINER HOMAYOUNMEHR, FARID	
			ART UNIT 2132	PAPER NUMBER
			MAIL DATE 06/04/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/014,934	<b>Applicant(s)</b> DE JONG ET AL.	
	<b>Examiner</b> Farid Homayounmehr	<b>Art Unit</b> 2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,5,7,8,10,11,13,14,17,19,20,22,23,25 and 28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,7,8,10,11,13,14,17,19,20,22,23,25 and 28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/4/2006</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is responsive to communications: application, filed 4/30/2002; amendment filed 3/5/2007.
2. Claims 1, 2, 4, 5, 7, 8, 10, 11, 13, 14, 17, 28, 19, 20, 22, 23, and 25 are pending in the case.

### ***Response to Arguments***

3. Applicant's amendments has caused a new ground of rejection.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2, 4, 5, 7, 8, 10, 11, 13, 14, 17, 28, 19, 20, 22, 23, and 25 rejected under 35 U.S.C. 103(a) as obvious over Palthenghe (U.S. Patent Application Publication No. 2001/0011250 A1, filed Nov. 12, 1998, hereinafter called Pal).

Art Unit: 2132

Pal is directed to a system to store consumer (user) data and allow the user and institutions authorized by the use (network sites) access user data (see paragraph 10).

Pal teaches use of Internet and Browsers as means for user to connect network sites (parag. 60) and exchange user data with the network sites and the data storage (Fig.

2). Pal also teaches use of electronic wallets (such as a smart card as suggested in parag. 74-76) to store user data (Abstract, parag. 17 and claim 4) . Pal teaches claim limitations as described in the following:

5.1. As per claim 1, Pal is directed to a method for browsing a data communication network (parag. 60), the method comprising:

requesting, by a browser accessing a network site (parag. 46, where consumer information is requested by various merchants. Note that as mentioned above, Pal teaches use of Internet and browser for exchanging data), and executing on a processor (Browsers run on a hardware platform which contains a processor), user data from a user controlled-resource-constrained device (the electronic wallet (smart card) is a user controlled-resource-constrained device, as described by applicant. Parag. 60 shows an example when the backup user data is requested from the Information Bank. Note that, as mentioned above, the data stored on the Information Bank is also stored on the smart card), when said network site requires said user data (parag. 46),  
said requesting occurring prior to said browser requesting said user data from another device (i) different from said user-controlled resource-constrained device

and (ii) included in a device including said processor when said user data is unavailable from said user-controlled resource-constrained device (Examiner takes the official notice that the limitation is trivial. This is because the determination that said user data is unavailable from said user controlled-resource-constrained device is made after the request is made to the device. Also, the request to any other device is made after it is determined that the data is not available on the user controlled-resource-constrained device. Therefore, when the requested data is not available on the user controlled-resource-constrained device, the request to any other device is after the request to the user controlled-resource-constrained device. Further note that when the data request from a device is unsuccessful, requesting data from a different device located on the same system was well known and widely practiced by the one skilled in art at the time of invention.)

and sending, by the said browser, said user data to a network server associated with said network site when said user data is received from the said user controlled resource-constrained device by said browser (parag. 60 teaches an embodiment that back ups and archives user data. Therefore the data from user controlled resource-constrained device is received by the browser and sent by the browser. See also Fig. 3 and associated text).

5.2. As per claim 2, Pal is directed to a method for browsing a data communication network (see claim 1), the method comprising:

receiving, by a user-controlled resource-constrained device, a request, from a browser, for user data (see claim 1) wherein said user data is one of static user data and dynamic user data (parag 10 describes static and dynamic data); returning said user data by a user-controlled resource-constrained device to said browser when said user data is found stored on said user-controlled resource-constrained device and when returning said user data for said request is enabled on said user-controlled resource constrained device and when said user data comprise static user data; reconfiguring said user data when said user data is found stored on said user-controlled resource-constrained device and when returning user data for said request is enabled and when said user data is said dynamic user data; and returning said configured user data by said user-controlled resource-constrained device to said browser (see claim 1 and note that paragraphs 13-17 and 47-48 describe dynamic data being reconfigured by removing sensitive information before sending to the merchant. Paragraph 61 show user full control on release of information, therefore teaching access only to information with enabled access control.)

5.3. Claims 3, 6, 9, 12, 15, 18, 21, and 24 cancelled by the applicant.

5.4. Limitations of claim 4 is substantially the same as claim 1, with the distinction of using cookies to exchange user data. Use of cookies by an Internet Browser to exchange data is described in paragraph 7.

5.5. Limitations of claim 5 is substantially the same as limitations of claims 1, 2, and 4 above. Note that when the dynamic data is reconfigured, and the dynamic data is in a cookie, the cookie is reconfigured. Note further that a cookie is a file containing bits of information. When the cookie is reconfigured, the bit pattern of the cookie is inherently reconfigured.

5.6. Limitations of claims 7, 8, 10, 11, 13, 14, 17, 28, 19, 20, 22 and 23 are substantially the same as limitations of claims 1, 2, 4 and 5 above.

5.7. As per claim 25, Pal is directed to an apparatus for enhanced privacy protection in identification in a data communications network, the apparatus comprising:  
a smart card configured to store a randomized ID obtained in response to enrolling for a service on said data communications network, said smart card further configured to release said randomized ID to obtain services on said data communications network (see response to claim 1 and paragraph 30).

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2132


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farid Homayounmehr whose telephone number is (571) 272-3739. The examiner can be normally reached on 9 hrs Mon-Fri, off Monday biweekly.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571) 272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Farid Homayounmehr**

  
GILBERTO BARRON  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100